

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**MILTON E. JONES,**

**Plaintiff,**

**9:18-cv-947  
(GLS/DJS)**

**v.**

**MCCARTHY et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Milton E. Jones  
Pro Se  
88-B-2329  
Attica Correctional Facility  
Box 149  
Attica, NY 14011

**FOR THE DEFENDANTS:**

HON. LETITIA JAMES  
New York State Attorney General  
The Capitol  
Albany, NY 12224

KONSTANDINOS D. LERIS  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

On June 10, 2019, Magistrate Judge Daniel J. Stewart issued a  
Report-Recommendation and Order (R&R), which recommends that

defendants' motion for partial dismissal, (Dkt. No. 13), be granted. (Dkt. No. 23 at 7.) Pending before the court are plaintiff Milton E. Jones' objections to the R&R. (Dkt. No. 24.)

Jones' objections consist wholly of irrelevant arguments about an issue that the R&R specifically did not reach. That is, Jones argues that defendants had "personal knowledge of the 'bird feces' matter." (*Id.* ¶¶ 3, 7-9, 11-12.) However, Judge Stewart was clear that the R&R related only to defendants' lack of personal knowledge of the "non-bird related conditions in the mess hall," and, as such, only recommended granting defendants' motion to the extent it was "limited to [Jones'] allegations regarding blood on the tables in the mess hall, the Cayuga County water supply, and the clothing provided to mess hall workers." (R&R at 4, 7.) Given that Jones' arguments are devoid of any specific objections to the substance of Judge Stewart's actual analysis, they trigger review for clear error only, of which the court finds none. *See Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at \*5-6 (N.D.N.Y. Jan. 18, 2006). As such, the R&R, (Dkt. No. 24), is adopted in its entirety.

Accordingly, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No.

23) is **ADOPTED** in its entirety; and it is further

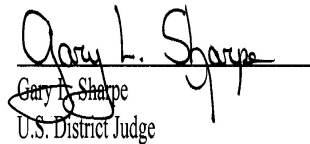
**ORDERED** that defendants' motion for partial dismissal (Dkt. No. 13) is **GRANTED**; and it is further

**ORDERED** that Jones' Eighth Amendment conditions-of-confinement claims regarding non-bird related conditions in the mess hall (Compl. at 5-6, 11, Dkt. No. 1) are **DISMISSED**; and it is further

**ORDERED** that the clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

September 13, 2019  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge